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ABSTRACT

This annotated bibliography highlights the literature available on two important aspects of assistance to victims and witnesses of crime. The first section, victim and witness services, covers the need, function and implementation of services to assist victims, elements of effective programs and evaluation of specific programs. The second section, on compensation and restitution programs, covers the history, function and role of the state in providing services, the types of services, details of operation, eligibility and legal aspects. All documents cited were selected from the National Criminal Justice Reference Service. (BN)

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Victim/Witness Assistance

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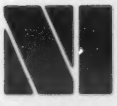

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

VICTIM/WITNESS ASSISTANCE

A Selected Bibliography

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National Criminal Justice Reference Service

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INTRODUCTION

Victims and witnesses have been termed the "real clients" of the criminal justice system, yet their welfare has been neglected in most States until the present decade. Beginning in the late 1960's, two concepts have emerged and are being implemented in many States: programs to provide monetary payment to victims to compensate them for any losses suffered as a result of physical injury caused by the crime in question, and programs to provide assistance to victims as a way of encouraging their cooperation with the prosecution of the defendant.

Compensation programs have been instituted in 24 States (see Appendix B), with funds coming from both the State and the defendant. In some States, the payment is imposed on the defendant as part of the adjudication, and in other States the payment is absorbed into the States' welfare system. The idea of an offender compensating his victim dates back at least to Biblical times. Many people today view restitution as an important element in the punishment and rehabilitation of the offender, in addition to its virtue as a means of correcting a wrong inflicted on the victim.

At the same time that this renewed interest in the victim's financial welfare has been manifest, there has been an emerging concern for the victim's comfort and psychosocial situation. Court administrators and criminal justice practitioners recognized that many victims do not participate in the court proceedings if they are traumatized by their interactions with the criminal justice system. In cases involving physical and/or psychological harm, such as rape or assault, victims who are physically protected and given emotional support are more willing to press charges and present evidence. A closely related phenomenon, recognition of the importance of cooperative witnesses, has led many jurisdictions to institute service programs that benefit both victims and witnesses. By encouraging witnesses' cooperation--through physical surroundings, services like child care, or social/emotional support--jurisdictions attempt to facilitate court proceedings by reducing dismissals and unnecessary witness appearances, improving witnesses' response, eliminating the duplication of witness-related procedures, and enabling the criminal justice system to be more responsive to witnesses.

This bibliography has been compiled to highlight the literature available on two important aspects of assistance to victims and witnesses of crime and is presented in two parts:

- Victim/Witness Services. The need for victim/witness services; the functions of such services in providing protective, supportive, and educational service; the implementation of services to assist rape victims, battered wives, and other vulnerable victims; the elements of effective programs; and the evaluation of specific victim/witness service programs.

- Compensation and Restitution. The history and function of victim compensation programs in the United States and abroad; the role of the State in providing compensation and restitution; the types of services provided, with details of program operation, eligibility, and legal aspects.

Sale sources are identified in Appendix A, and a summary of multistate victim compensation programs is presented in Appendix B.

All of the documents cited in this bibliography have been selected from the collection of the National Criminal Justice Reference Service. Information about how to obtain these documents may be found on the following page.

HOW TO OBTAIN THESE DOCUMENTS

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VICTIM/WITNESS SERVICES

1. AMERICAN BAR ASSOCIATION. Victims of Crime or Victims of Justice? Washington, 1977. 19 p.

(NCJ 44805)

The realities experienced by the crime victim, victim's rights litigation, and the future of victim assistance programs were discussed by a panel of experts. Members of the 1977 American Bar Association's Annual Meeting program represented the judiciary, law enforcement, the prosecution, and the defense bar. Problems facing the victim during the pretrial period, if the defendant is released, were discussed by an assistant county prosecutor. Protective services are indicated for victims who are intimidated or threatened by defendants or defendants' relatives prior to trial. A police sergeant related his experiences as a victim decoy and strongly urged that the State compensate crime victims. He cited examples of victims who were threatened or received unfair treatment from the court. A panel on victims' rights litigation presented two plaintiffs' counsel on the newly emerging area of third-party suits. Two cases illustrated the practice of victims suing third-parties whose negligence put the perpetrator of the crime at liberty or in a position to victimize. A practicing attorney commented from the standpoint of the private bar, addressing the issues of victims as potential clients and the need for crime-victim compensation acts. Attorneys should be more concerned with the rights of victims, he noted. Successful victim-witness assistance programs were discussed.

2. ASH, M. On Witnesses--A Radical Critique of Criminal Court Procedures. Notre Dame Lawyer. v. 48: 386-427. December 1972.

(NCJ 27640)

This article presents a critical overview of the ill treatment of, and general lack of respect and disregard for, the rights of prosecution witnesses existent in the judicial process and everyday trial court procedures. Areas cited include the low or nonexistent fees allotted to witnesses, repeated summonses to appear in addition to long hours (or days) spent in courtrooms and courthouse lounges due to trial court delays and continuances, deliberate defense attorney tactics aimed at "wearing out" prosecution witnesses, and criminal sanctions for failure to appear in court or to testify. The author suggests the following reforms in the handling of witnesses: criminal justice research to obtain hard data on the average number of required appearances per witness, witness attitudes and the impact of these attitudes on prosecution, cooperation with law enforcement officers, general crime prevention and deterrence, and witness disaffection. Specific proposals for improvement include the establishment of witness' appearance-control projects, witness liaison and support squads, early case screening and diversionary devices, formalized mandatory pretrial conferences and "one shot" fish-or-cut-bait plea bargaining, justly compensatory witness fees, and court studies

of witness comfort and convenience with court operations. It is also suggested that Supreme Court decisions which have made criminal procedure significantly more complex should be rethought, taking into consideration the interests of the witness as well as the rights of defendants.

3. BOSTON MAYOR'S SAFE STREETS ACT ADVISORY COMMITTEE. Urban Court Program. Boston, Massachusetts, 1974. 128 p. (NCJ 27676)

This report describes the philosophy, structure, operation, and budget of the Urban Court Program which consists of three component projects --the mediation project, the disposition panel, and the victim services project. The Urban Court Program is designed to improve court-community relations and to provide a more personal, community-integrated form of justice. A general discussion of the problems which led to the development of the urban court proposal, and a description of the Massachusetts court system, are provided. The Dorchester community in Boston, where this program is focused, is also described. Detailed descriptions of the various phases of the urban court project are then presented. The main components of the program are to be as follows: the mediation project, which will resolve minor, potentially "criminal" disputes in a manner that satisfies the parties that justice has been served; the disposition panel, which will provide the judge with recommendations for reasonable and effective dispositions in selected cases; and the victim services project, which will orient the victim or witness to the criminal process and attempt to ameliorate the victim's pain or loss through the provision of social services. The needs, objectives, expected benefits, approach, and budget of each of these component projects are discussed.

4. BURKE, P., J. DUNLOP, P. FENRICH, R. HARRISON, K. MILES, and H. PRESCOTT. Commission on Victim/Witness Assistance--Final Evaluation Report. Washington, Arthur D. Little, Inc., 1977. 77 p. (NCJ 41587)

This evaluation of the second year of operation of the Victim-Witness Assistance Commission focuses on the services provided, the objectives achieved, and the impact on district attorneys, victims, and witnesses. The objective of the commission was to provide services to crime victims and witnesses, and to point out the validity of such victim-witness services to the criminal justice system and to the public at large. Specific activity goals of the commission were the institution of formal, organized victim-witness assistance units in at least ten nonparticipating district attorneys' offices, development and publication of a victim-witness assistance manual for district attorneys, delivery of information and referrals to victims and witnesses, and distribution of information on victim-witness programs to the public and district attorneys. Included in this report are

a summary of the eight victim-witness units funded through the commission, an assessment of the achievements and impact of the commission, suggestions on replicating victim-witness assistance efforts and programs, and a description of the activities and responsibilities of the commission's central staff.

5. CULP, M. W., and M. L. CALVIN. Victim Services Programs. In Rifai, M. A. Y., Justice and Older Americans. (NCJ 44336). Lexington, Massachusetts, D. C. Heath and Company, 1977, 10 p. (NCJ 44349)

The elements of an effective program of victim services are identified and related to the specific needs of elderly victims of crime. Victim services programs can be guided by two distinct goals: the provision of direct assistance to victims of crime regardless of whether a suspect is involved, and improvement of the treatment of victims and witnesses by members of the criminal justice system. To pursue these goals, victim services programs can provide case progress information, victim advocacy and crisis intervention services, community resource identification and referral, property release assistance, financial restitution, and counseling. Many victim services programs find that a disproportionate number of their clients are over age 60. Victim services programs can provide greater support to this age group by working closely with police departments and by receiving all reports of purse-snatchings, pickpocketings, assaults involving serious physical injury, and other crimes against elderly persons. Program staff members can then contact the elderly victim and offer assistance. Immediate contact, constant reassurance, and full recognition of physical limitations are vital components of a victim services program for elderly persons. Elderly victim assistance programs in Kansas City, Missouri, and in Alameda County, California, offer two models for providing services to elderly victims. The Kansas City program focuses on locating elderly victims of unreported crime and on providing emergency financial assistance. The California program emphasizes reinforcement of the victim's own support system through peer counseling by elderly persons who, themselves, have been victimized.

6. DUSSICH, J. P. J. Victim Advocate--A Proposal for Comprehensive Victim Services. Rockville, Maryland, undated. 15 p.
MICROFICHE (NCJ 16301)

A program is proposed to assist victims in two ways: by intervening in their crises and by directing them to their communities resource aids. An overview of the problems of the crime victim is presented. Topics covered are high-risk groups for victimization, the history of victim compensation, and current reimbursement or compensation programs for victims. Monetary loss, social stress, and victim-offender

relationships are also discussed. Specific proposed objectives of the victim-advocate plan include identifying the number of victims of felony offenses occurring within a 12-month period for a given community, interviewing and counseling victims, providing lists of available services to victims, acting as a resource facilitator, and keeping a victim file with data on the victim and the relationship between the offender and the victim. Recommended procedures for the victim-advocate and a suggested timetable for implementing a victim-advocate program are given. Necessary manpower, money, material, and expertise resources are indicated, and suggestions for evaluating the program are included.

7. FLORIDA GOVERNOR'S COUNCIL OF CRIMINAL JUSTICE. Dade County (Florida)--Victims Assistance Program--Final Report. Tallahassee, Florida, 1976. 20 p. MICROFICHE (NCJ 39031)

This report provides feedback on the progress of countywide victim-advocate programs (VAP). The major goal of this victim-advocate program was to provide direct and referral services to victims of crimes of violence. Such services were provided to 434 persons in the period under study, July 1975 through September 1976. These included emergency shelter, food, medication, and clothing. Also provided were supportive and paralegal counseling, as well as transportation to court, police, and medical services. Information and referral services were provided to 100 nonvictims requesting information on criminal justice programs. This report notes that although the number of victims served was below the original goal for the period targeted, the amount of time spent with each case and the range of activities provided were above what had been anticipated.

8. GEIS, G. Victims of Crimes of Violence and the Criminal Justice System. In Chapell, D., and John Monahan, Eds., Violence and the Criminal Justice System. (NCJ 29557). Lexington, Massachusetts, D.C. Heath and Company, 1975. 14 p. (NCJ 29562)

The plight of a crime victim is not a happy one, as the discussion and case histories in this article show. Victims' dealings with the police and the courts are presented to show the cause of victim feelings of futility and resentment. A survey of survivors of homicidal attacks shows that many of them think that the courts are too lenient with the perpetrators, even though many of them can ascribe the rationale of "sickness" to the offender. The author points out the need for improved victim assistance programs.

9. HILBERMAN, E. Rape Victim. Washington, American Psychiatric Association, 1976. 110 p. (NCJ 37488)

This monograph summarizes what is known about the needs and experiences of the female victim and her family, and provides a framework in which clinicians can more knowledgeably provide victim assistance and support. The sociocultural context of rape and some of its legal and medical aspects are discussed. Some of the specific problems inherent in the hospital treatment of the victim are described, and a set of guidelines is provided for utilizing crisis programs for victims of sexual assault in a hospital setting. Other areas considered are community rape-crisis centers, reactions to rape, and counseling and treatment of the rape trauma syndrome. Special attention is given to the child-victim in an analysis of the role of the psychiatrist in dealing with rape trauma. The author indicates the need for clinicians to be aware of local hospital policies, criminal justice procedures, rape statutes, and community attitudes in order to gain an understanding of the context in which rape occurs. A four-page bibliography is included, as well as an appendix containing operational and proposed guidelines for management of sexual assault cases.

10. IOWA STATE ASSOCIATION OF COUNTIES, Iowa State Association of Counties--Integrated Services for Victims of Crime--A County Based Approach. Rockville, Maryland, 1975. 15 p. MICROFICHE (NCJ 31508)

A description of a statewide program being established in Iowa to provide law enforcement, health, and social assistance to victims of crime on the county level is presented. This program is being implemented to provide for early identification of crime victims and to guide victims through existing programs for persons defined, or who qualify, as needy. The Iowa statute enabling the counties to define and determine people in need is reviewed. Components of the program and possible services are listed. A model resolution for the creation of county integrated victim services programs is included, as well as a model letter of understanding between county and other public agencies, a model letter to local government, and model guidelines for assistance to victims of crime.

11. KRAFT, L. P., S. C. IVY, and L. A. DRAKE. Evaluation of the Victim-Witness Advocate Program of Pima County (Arizona)--Final Report. Menlo Park, California, 1977. 119 p. (NCJ 39744)

An evaluation is presented, dated January 1977, of the first year of operation of a program that provides crisis intervention, social service referral, criminal justice information, and public education services to Pima County residents. First, the demographic characteristics of Pima County and its criminal justice system are presented.

Next, the victim-witness advocate program is described, including how the program was started and what services it provides. The main section of the report provides an evaluation of the program in relation to established objectives. This is followed by a discussion of cost and benefits and recommendations for future operations. The report concludes with an overall assessment of the first year's operations. Recommendations relating to increased efficiency of the program are made and include greater use of volunteers and increased services to witnesses in the county attorney's office. Other suggestions were also made for increasing followup on social service referrals and for providing feedback to police officers. Numerous illustrations and statistical tables document the text.

12. LAYMAN, M. F., and S. R. BARLOW. Pierce County (Washington)--Rape Relief --Evaluation. Tacoma, Washington, Pierce County Law and Justice Planning Office, 1977. 27 p. (NCJ 41613)

The results of an evaluation of the Pierce County Rape Relief project, which covers the project period of 1976, are presented. This project was developed to provide aid and support to victims of sexual abuse and to enhance criminal justice system efforts to reduce the incidence of rape in the county. Evaluators concluded from a data analysis that Rape Relief has had little impact on the criminal justice system or on the incidence of rape in Pierce County. Nevertheless, the number of rapes reported to Rape Relief have increased significantly, and Rape Relief cases which were prosecuted were more successful than non-Rape Relief prosecution.

13. NEWTON, A. Aid to the Victim, Part 2--Victim Aid Programs. Crime and Delinquency Literature, v. 8, n. 4:508-528. December 1976. (NCJ 38445)

This article examines several victim-oriented programs around the country which provide financial, legal, medical, psychological, and informational services to victims and victim-witnesses. Highlighted are model, comprehensive, victim-service programs in St. Louis (Missouri), Akron (Ohio), Philadelphia (Pennsylvania), Fort Lauderdale (Florida), and Aurora (Colorado). Programs in these last two cities aid the victim through police and legal procedures involved in apprehension and prosecution and are operated by the respective police departments. Victim-witness assistance programs operated by Marion County (Indiana), Pima County (Arizona), Brooklyn (New York), and under the auspices of the National District Attorneys Association are also briefly examined. The major function of these dual-role programs is to maintain contact with witnesses during the pendency of court proceedings and to help them prepare for court appearances. Special programs for rape victims run by police departments (New York

City, Los Angeles County), medical facilities (Dade County, Florida), prosecutors' offices (Multnomah County, Oregon), and citizen action groups (Cambridge, Massachusetts) are also described. In addition, various government and community task forces and other organizations providing services to rape victims are cited. For Part 1 of this article, "Compensation and Restitution," see NCJ-36591.

14. NEW YORK CITY MAYOR'S CRIMINAL JUSTICE COORDINATING COUNCIL. New York City--Crime Victims Consultation Project--Final Report. Bronx, New York, Albert Einstein College of Medicine, undated. 71 p.
MICROFICHE (NCJ 38368)

Presented is a final report on a program designed to survey the needs of victims in New York City and to operate a service in the Bronx to explore the most feasible and effective organization of services to meet the needs of victims. Those who were victims of a crime and upon whom some physical insult had been inflicted were considered eligible to receive service. This included the families of murder victims, felonious assault victims, and robbery with assault victims. The long-range objective and mandate was to assess the viability of these services and to propose a citywide system for delivering needed services to victims of violent crimes. This mandate was operationalized in two major undertakings. The first was a survey of the needs of 10,000 victims of crimes of violence throughout New York City, excepting those in the Bronx. The second was the development of a referral service for victims of violent crime in the Bronx. Five paraprofessional counselors were trained as expediters and advocates to assist victims in meeting whatever needs arose out of the circumstances of their being victimized.

15. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Houston-Harris County (Texas)--Development of a Rape Referral and Prevention Capability Within the City of Houston Police Department--Police Technical Assistance Report. By J. G. Richter and L. R. Walton. Arlington, Virginia, Westinghouse Justice Institute, 1976. 15 p.
MICROFICHE (NCJ 37864)

This technical assistance report, dated October 1976, was concerned with establishing a component of the proposed Houston-Harris County Victim/Witness Assistance Project within the city of Houston Police Department. The city of Houston, where 1.6 million people reside in an area of 506 square miles, is served by 3,349 police personnel (2,586 sworn). Recommendations and implementation procedures for each facet of the victim/witness assistance project as it pertains to the police department are presented, as well as suggestions re-

garding the city health department's role as it relates to the workings of the victim liaison officer's component of the project. The duties of the victim liaison officer are stipulated.

16. _____. Law Enforcement Assistance Administration. Integrated Services for Victims of Crime--A County-Based Approach. By M. E. Baluss. Washington, National Association of Counties, 1975. 24 p. MICROFICHE (NCJ 19639)

This paper outlines the problems which crime victims may face and examines the general county services which may be used to aid victims, in addition to summarizing existing and planned integrated services programs for crime victims. Counties stand in a unique and advantageous position to sponsor improvements in victim services, since county governments operate the hospitals, mental health programs, and public assistance programs which can become the main sources of integrated victim services. Other advantages of the county-based approach are that counties are conduits for State unemployment, vocational rehabilitation, and emergency assistance programs and are the focus for criminal court activities. Victim services programs of the Bronx (New York), Fort Lauderdale (Florida), Fresno County (California), St. Louis (Missouri), and Sacramento (California) are described. The basic elements and resources of an integrated services program for victims are outlined.

17. _____. Law Enforcement Assistance Administration. Milwaukee County Project Turnaround--Final Evaluation Report--Executive Summary. Milwaukee, Wisconsin, Evaluation/Policy Research Associates, Ltd., 1976. 21 p. MICROFICHE (NCJ 38068)

This program was designed to "turnaround" the county criminal justice system--making it responsive to the needs of citizens, victims, witnesses, and jurors. Milwaukee County created new units within and outside of the county government. These new units were staffed by new management, professional, and clerical personnel and were designed to meet citizen needs. The project has three working components--information evaluation, action evaluation, and planning and management evaluation--in addition to a provision for outside program evaluation. The action component consists of five units: witness emergency, citizen-victim complaint, citizen contact and support, sensitive crimes, and advocacy (victim, witness, juror, and prisoner). This report is divided into two major parts. Part 1 evaluates each of the project turnaround's five action programs, including impact analysis of objective achievement. In addition, findings are presented from an assessment review of the project's information system component and from an overall review of the project's administrative framework. Cost of replication and cost-benefit analyses are included for each

turnaround unit. In Part 2, cost of replication data and cost-benefit findings are summarized for the entire project, including delineation of overall assumptions, definitions, and constraints of the methodology. A final section presents an assessment of the project's citizen involvement efforts. Analysis indicated that quantified project savings exceeded costs by a factor of 1.5 times. In addition, about 44 percent of the total benefits which could be achieved by complete elimination of unnecessary witness/complainant/juror trips and waiting were realized through turnaround's accomplishments.

18. _____. Law Enforcement Assistance Administration. Multnomah County (Oregon)--Office of the District Attorney--Victim's Assistance Project--Final Report. By H. Haas. Portland, Oregon, Multnomah County District Attorney's Office, 1976. 30 p.

MICROFICHE (NCJ 38364)

Presented is the final report of the first 14 months of operation of the Multnomah County District Attorney's Victim's Assistance project. This project was established to provide direct assistance to victims of crime in terms of case information and assistance with their problems, and to improve the treatment of victims and witnesses by other members of the district attorney's staff. Assistance was provided to almost 1,400 victims of crime--double the number of cases anticipated, at a cost of over $400,000--and restitution determination was completed by project personnel. The fiscal year 1976 annual report by the district attorney's office and project related memoranda are attached.

19. _____. Law Enforcement Assistance Administration. National District Attorneys Association--Commission on Victim Witness Assistance --Annual Report, 1975--Help for Victims and Witnesses. By R. E. McKenna. Chicago, Illinois, National District Attorneys Association, 1976. 70 p. MICROFICHE (NCJ 39073)

Presented is a summary of the first-year activities of the Commission on Victim-Witness Assistance. This summary describes the numerous programs of the commission, details the activities of the eight field offices, and presents findings of the commission's survey research. The National District Attorneys Association created the Commission on Victim-Witness Assistance in an effort to demonstrate that, although crime control itself may be a long-range effort, there are immediate improvements which can be made to alleviate the impact of crime on victims and witnesses. Goals of the program were to deliver help to crime victims and witnesses, to determine the actual extent of victim-witness problems, and to encourage nonparticipating district attorneys to get involved in victim-witness assistance programs. Each of these goals was met. Activities and programs of the commission

dealing with public information and liaison, publications, social service referrals, employee assistance to victims and witnesses, notification services, legislation, and victim-witness reception centers are detailed. In addition, program efforts undertaken in the field offices in Alameda County (California), Cook County (Illinois), Davis County (Utah), Denver (Colorado), Kenton County (Kentucky), New Orleans (Louisiana), Philadelphia (Pennsylvania), and Westchester County (New York) are described.

20. _____. Law Enforcement Assistance Administration. Primer for Model Victim Witness Assistance Centers. Chicago, Illinois, National District Attorneys Association, undated. 26 p.

MICROFICHE (NCJ 34932)

This booklet contains model designs and plans for the construction of victim-witness reception centers which would provide comfortable, non-institutional, supportive surroundings for people being interviewed by prosecutors. Victims and witnesses of crime are typically interviewed in less than acceptable facilities in most criminal justice institutions. Since October 1974, the National District Attorneys Association Commission on Victim Witness Assistance has been striving to find ways for improving the criminal justice system's response to crime victims and witnesses. This publication suggests the creation of comfortable and secure victim-witness reception centers. The designs, furnishings, and colors suggested in the booklet are intended to set persons at ease. The plan has been designed on a cluster basis: the space planning design employed is flexible, and distinct functional components are provided for in 12 feet by 12 feet "use" clusters. Architectural designs are provided for reception, waiting room, interview, records, office, conference, and babysitting clusters. These "use" clusters can be arranged in many configurations according to available space and financing. Plans for small, medium, and large centers, based on these clusters, are provided. Guidelines on furnishings and colors are presented as well. Finally, budget and cost information on the small, medium, and large centers is listed.

21. _____. Law Enforcement Assistance Administration. Victim Advocate. By H. C. Jones. Washington, D.C., National District Attorneys Association, 1977. 76 p.

MICROFICHE (NCJ 42460)

This booklet provides lists of State and privately operated victim-witness assistance programs. It includes their address, sponsoring agency, program director, and types of services provided.

22. _____. Law Enforcement Assistance Administration. Witness Project --Review of Witness Project Activities, September 1974 through September 1975. By J. Swasy. Los Angeles, California, Witness Project, 1976. 100 p. (NCJ 41036)

Presented is the first annual report on the activities of a project to study and improve witness-related activities in the Los Angeles municipal court system. Data collected for the first-year's study were gathered from interviews with witnesses, city attorney's records, and discussions with court officials. Findings indicate that the project has been successful in attaining goals set forth in the grant application, particularly in the area of witness assistance. Survey instruments and responses are appended.

23. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Polk County (Iowa) Rape/Sexual Assault Care Center--Exemplary Project Validation Report. Cambridge, Massachusetts, Abt Associates, Inc., 1976. 70 p. MICROFICHE (NCJ 35031)

An overview of a project that provides medical and social services to rape victims, aids criminal justice personnel in the investigation and prosecution of sexual-assault offenders, and provides the community with rape education programs is presented. Section 1 of this report presents a project overview that includes information relative to the project's history, design, and organization. Section 2 provides a discussion of the five exemplary projects selection criteria. A summary of the project's strengths and weaknesses is presented in Section 3; supporting data, project forms, and exemplary application materials can be found in the appendix. The primary objective of the center is to decrease the psychological trauma for victims of sexual assaults, leading to greater rapport and cooperation with law enforcement and prosecutorial agencies, and ultimately resulting in an increase in the number of convictions for rape/sexual assault offenses. The project staff consists of a project coordinator, a victim-contact worker, a secretary, and a special prosecutor (available on an as-needed basis). The sexual assault care center grant has shown significant progress in the areas of interagency coordination and cooperation, victim services provision, criminal justice processing of sexual assault cases, and organizational development and community education. Though much of the project is designed to assist the sexual-assault victim, the most significant progress, in relation to LEAA goals, is the 37 percent increase in reporting of rape cases and the decrease of case "dropout" from 94 percent to 63 percent.

24. _____. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Rochester (New York) --Victim Assistance Program--Experimental Action Program. By E. B. Croft and G. Thomas. Rochester, New York, University of Rochester, 1975. 52 p. MICROFICHE (NCJ 26810)

This proposal for an 18-month program is designed to decrease the alienation of victims and witnesses from the criminal justice system and to increase the proportion of victims and witnesses assisting in case prosecution. This program will be administered by the police, with input and participation from other criminal justice agencies and citizens, and staffed by civilians. Services to be rendered include a central information service for victims, coordinating and expediting existing services to victims, victim-witness orientation to the court system, improved court scheduling services, improved case status information feedback, liaison with the referral to services relevant to victims and witnesses, provision of direct services on an "as needed" basis, and witness-victim sensitivity and response training for police. This proposal gives a project overview, discusses program objectives, and outlines the anticipated results and benefits of the project to victims and witnesses, the police, and to the prosecution of cases. Arrangements for program research and evaluation and the project plan of action are also covered. Statistical data on criminal victimization in 1973 are appended.

25. VICTIMS ASSISTANCE PROGRAMS IN MINNESOTA. Victimology, v. 2, n. 1:88-101. Spring 1976. (NCJ 42985)

Minnesota has attracted increasing attention because of the introduction of innovative laws and programs in the field of victim assistance. An act passed in 1974 authorized the Commissioner of Corrections to develop a statewide program--The Minnesota Program for Victims of Sexual Assaults. The statewide program called for voluntary counseling to be made available to victims throughout the proceedings following the rape, including hospital examination, police investigation, questioning of witnesses, and trial. The Commissioner of Corrections was also directed to assist in establishing sensitivity training for prosecuting attorneys, local police and peace officers, and hospital personnel. In 1975, the year they mandated the statewide program, and before there was any funding for State programs, a comprehensive reform of the laws related to sexual assaults was passed on the last night of the session. It reclassified criminal-sexual conduct into four degrees; it provided that victims did not have to prove resistance to the utmost; it limited the amount of evidence about the victim's previous sexual conduct that could be admitted into court; and it provided that counties pay for examinations taken for the purpose of gathering evidence. This article represents an interview with four key persons who direct victim-assistance programs in different areas of the State (rural and urban), from differ-

ent vantage points (statewide and local), and located in different organizational structures. Taking part in the conversation were the directors of the sexual assault services in the Hennepin County Attorney's Office, Minneapolis; the St. Louis County Aid to Victims of Sexual Assault, Duluth; the Sexual Offense Service (S.O.S.) of Ramsey County, St. Paul; and the Minnesota Program for Victims of Sexual Assault.

26. VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION. Practical Suggestions for Juror and Witness Assistance. Richmond, Virginia, undated. 60 p.
MICROFICHE (NCJ 40172)

Suggestions are presented on ways to use jurors' and witnesses' time efficiently, to elicit their cooperation, and to leave them with favorable impressions of their court service. Suggestions for improved juror utilization are made in the areas of administrative considerations, juror qualification process, summons procedures, and utilization techniques. Improved witness usage suggestions are made along the lines of effective scheduling of police and thoughtful and considerate use of civilian witnesses. A study on the causes of witness noncooperation is discussed. A brief description of the Virginia criminal information network is included. An appendix contains sample jury panel utilization calculation forms that can be used by courts to determine the effectiveness of their juror utilization procedures.

COMPENSATION AND RESTITUTION PROGRAMS

27. BROOKS, J. How Well Are Criminal Injury Compensation Programs Performing. Crime and Delinquency, v. 21, n. 1:50-56. January 1975. (NCJ 16848)

This article presents an overview of victim compensation programs in several states and foreign countries. The first decade of experience with criminal injury compensation programs has been an exciting period of evolution and innovation. Nearly 30 jurisdictions have adopted such programs. This article analyzes those program features thought to provide the best clues to performance and adequacy, and emphasizes the operational practices of those jurisdictions that have had substantial experience with these programs. Program performance appears, for the most part, to be realizing general objectives.

28. CANCILLA, R. C. Compensating Victims of Crime. Crime Prevention Review, v. 2, n. 4:31-37. July 1975. (NCJ 37036)

This article presents a brief overview of the history and development of victim compensation programs in foreign countries and the United States, as well as an analysis of the provisions of the California Victims of Crime Compensation Program. The rationales for a government-operated program for the compensation of crime victims are reviewed. The first rationale holds that the State has a duty to protect its citizens from crime, and that if the State fails to do so, it thereby incurs an obligation to indemnify those who are injured. A second theory says that since the State imprisons offenders, and thereby makes it almost impossible for them to compensate their victims in terms of financial aid, the State should thus be responsible to help out the victims. The third and most widely accepted theory for adoption of a compensation plan is that the State should aid all unfortunate victims of crime as a matter of general welfare policy. After a review of these theories, the article examines compensation programs in such areas as New Zealand, Great Britain, New York, California, Maryland, Massachusetts. Finally, the benefits available to crime victims under the 1974 California victims of crime compensation program are delineated.

29. CHAPPEL, D., and L. P. SUTTON. Evaluating the Effectiveness of Programs To Compensate the Victims of Crime. In Drapkin, I., and E. Viano, Eds. (NCJ 15541), Victimology--A New Focus, Vol. 2--Society's Reaction to Victimization. Lexington, Massachusetts, D. C. Heath and Company, 1974. 14 p. (NCJ 30596)

This article presents a discussion of the rationale and the need for evaluation and testing of victim compensation programs. An examination of the problems in evaluation caused by the variable goals of victim compensation programs is also performed. The authors state

that the major justifications for victim compensation programs appear to fall into four principal headings--social welfare, social contract, symbolic, and instrumental. Several standard dimensions which characterize the operation of all compensation programs are identified. The authors state that these dimensions may all be used in the description and evaluation of any given program. The authors then discuss how the appropriateness of each of these dimensions, related to the task of evaluation, will vary as a function of the goals of the program. It is concluded that the decision about the appropriate measures of program effectiveness, and consequently the conclusions about program effectiveness, are largely determined by the evaluator's assessment of, or assumptions about, program goals and appropriate parameters of evaluation. Problems encountered in quantifying these variables are also discussed.

30. CHAUVIN, L. S., Jr. Compensation for Victims of Crime--An Overview. State Government, v. 47, n. 1:9-11. Winter 1974. (NCJ 15478)

This article reviews the justifications for a victim compensation program, eligibility requirements for such a program, and the types of services that a compensation program can provide. Several programs for compensating persons for injuries already exist, such as workman's compensation, social security disability, and compulsory insurance coverage. The author argues that such programs should be extended to cover persons injured as a result of crime. The author notes that it is often argued that society owes it to its citizens either to protect them or, in the event of a failure in so doing, to compensate them for their injury. Two aspects of victim compensation programs are described: actual monetary compensation and provision of services to the victim to ease the impact of the crime. The author suggests that consideration be given to allowing members of families to recover against other families, and that requirements of actual financial need be loosened to avoid punishing those who have managed to establish some savings. Finally, the author calls for mobilization of such services as job training and placement, financial counseling, and followup medical and psychological services under a comprehensive victim services program.

31. DOERNER, W. G., M. S. KNUDTEN, R. E. KNUDTEN, and A. C. MEADE. Analysis of Victim Compensation Programs as a Time-Series Experiment. Victimology, v. 1, n. 2:295-313. Summer 1976. (NCJ 37149)

This article offers an examination of the effects of victim compensation programs in Hawaii, Maryland, Massachusetts, and New York on the known violent crime rate and the proportion of known crimes which are violent. Two hypotheses were tested: that those states operating a compensation program will have a relatively higher known violent crime

rate than those which do not, and that compensation states will experience a relatively higher proportion of crimes known to the police which are violent. A preliminary visual inspection of study figures suggests some support for these hypothesized relationships; however, an examination of several rival hypotheses indicates that changes in crime indicators may be due to such extraneous factors as statistical regression, selection, instrumentation, and history. It is cautioned that a lack of change at the ecological level does not necessarily mean that victim compensation programs have no effect, and instead may suggest that operational deficiencies are blocking program goal attainment. Several locations of these difficulties are discussed along with strategies for their identification and resolution. References are included.

32. DOERNER, W. G. State Victim Compensation Programs in Action. Victimology, v. 2, n. 1:106-109. Spring 1977. (NCJ 42987)

The victim compensation programs in California, Hawaii, Maryland, Massachusetts, and New York are analyzed in this article. Data from annual state victim compensation boards are used to examine the volume of claims, board decisions, and public awareness of the program. Recommendations are presented in these areas to overcome deficiencies in the programs as perceived by the author.

33. DRAPKIN, I., and E. VIANO. Victimology--A New Focus, Vol. 2--Society's Reaction to Victimization. Lexington, Massachusetts, D. C. Heath and Company, 1974. 257 p. (NCJ 15541)

This book, comprised primarily of papers presented at the 1st International Symposium on Victimology, Jerusalem, 1973, discusses plans society might adopt to prevent victimization and aid victims. An analysis of the need and purpose of compensation and restitution to victims of crime is also presented. Part 1 of this book presents an analysis of crime prevention in an urban society, a suggestion for a victim ombudsman, a recommendation for a technique of crisis intervention to robbery victims, and a discussion of some approaches taken by citizens to protect themselves from criminal acts. Also included in this section of the book is a report on a survey of employers' attitudes toward hiring exconvicts. Part 2 of the book examines the issue of victim compensation from a comparative perspective, suggests new approaches, evaluates what has already been accomplished, and presents some insights from forensic medicine used to determine whether or not compensation is due a victim. Plans for victim-compensation discussed include allocation of a portion of the fine to the victim, the day-fine system whereby the victim receives payments earned by the offender's labor, attachment of prison or noninstitutional earnings, combining civil and criminal proceed-

ings as done in Europe and Latin America, a system of private or public insurance, and the administrative assessment of compensation in separate proceedings following the criminal trial. For volume 1, see (NCJ 15540).

34. DUK, W. Strafrechtstheoretische Aspecten Van De Schadeloosstelling (Aspects of Indemnification Related to Theories Regarding Criminal Law). In Slachtoffers Van Delicten--Congres--Nijmegen, 26 en 27 Maart 1971. (NCJ 28430). Baarn, Netherlands, 1971. 8 p.
(NCJ 28443)

This article presents a discussion of various ways in which the victim of an offense can be given compensation for the injury he has suffered. The following types of victim compensation are examined: compensation of the victim imposed by the court as a sanction, compensation as a condition of probation, dismissal of charges, compensation to be paid out of the offender's earnings as a prisoner, and compensation awarded by the court in cases where the victim joins his complaint and claim to the public prosecutor's case in a so-called "adhesion" process. Also advocated by the author is the system whereby fines and the value of confiscated property are paid into a special fund which is used for the compensation of victims. --in Dutch.

35. DURSO, J. J. Illinois' Crime Victims Compensation Act. Loyola University of Chicago Law Journal, v. 7, n. 2:351-373. Spring 1976.
(NCJ 39220)

This article examines the successes and failures of the Illinois Crime Victims Compensation Act. In order to perceive collateral problems inherent in the administration of justice, basic procedures to be followed when filing a compensation claim are outlined. Also reviewed are the statutory requirements which must be met before compensation can be awarded. Finally, the article discusses "pecuniary loss" in terms of its definition in the act and the manner in which it has been interpreted by the courts. It was concluded that two major problems interfere with the efficient operation of the Victims Compensation Act: lack of financial resources and lack of sufficient manpower to properly administer the program.

36. EDELHERTZ, H. Compensating Victims of Violent Crime. In Chappel, D., and John Monahan, Eds., Violence and Criminal Justice. Lexington, Massachusetts, D. C. Heath and Company, 1975. 10 p. (NCJ 29563)

This article considers the philosophies that underlie victim compensation, the kinds of programs that result from such philosophies, and the options available to jurisdictions that elect to provide victim assistance. Two principal reasons are usually given for enacting victim compensation legislation: that the government has an obligation to protect its citizens, and that, failing this, it has the duty to provide compensation for its failure to protect; and that crime is unavoidable in our society and that its impact or burden should be borne by society in general. A third rationale is sometimes given for aiding crime victims--that is, that they need help. These rationales directly influence the drafting of victim compensation legislation. The benefits and eligibility requirements of most compensation programs are reviewed. It is noted that benefits of most programs are inadequate and that narrow eligibility requirements severely limit the value of some programs. Three basic patterns are listed for delivering victim compensation: delivery through an independent administrative agency; use of the courts to decide and make awards to victims; and delivery through existing workmen's compensation programs. Finally, the cost of victim compensation programs and the future prospects for victim compensation are discussed.

37. EDELHERTZ, H., and G. GEIS. Public Compensation to Victims of Crime. New York, Practicing Law Institute, 1974. 324 p. (NCJ 13352)

Presented is an overview of victim compensation programs in the United States and abroad, as well as a discussion of the key procedural and ideological issues involved. Amidst cries for protection of offenders' rights and justice for criminals, society often forgets that the one most harmed by a criminal act is the victim. Recognizing that a problem exists in this area, legislatures have started granting public funds to persons victimized by a crime of violence and to survivors of those killed in the course of such crimes. Victim compensation programs, however, are often accompanied by many troublesome questions. Should any involvement of the victim in the perpetration of the crime, although short of actual criminal conduct, disqualify him from benefits? Should crimes involving only members of the same family entitle the injured person to receive aid? Should benefits be periodic or paid in one lump sum? Should the need of the victim be considered? This study examines the ideological as well as procedural issues in the victim compensation debate. Its basic aim is to provide the kind of information and analysis about current compensation schemes considered useful for blueprinting further efforts. Contemporary compensation programs are placed in their historical perspective as the volume traces the subject from the Code of Hammurabi of ancient Babylonia to the most recent developments. Individual

chapters examine specific ingredients and assess the apparent strengths and weaknesses of major programs in New York, California, Massachusetts, Hawaii, and New Jersey, as well as in Great Britain and other foreign countries. The last chapter isolates and discusses the major issues that constitute the core of different compensation systems, including particularly controversial issues that have troubled scholars and administrators alike.

38. FEENEY, T. G. Pity the Criminal Less, More His Innocent Victim. Canadian Society of Forensic Science Journal, v. 6, n. 1:11-18. March 1973. (NCJ 09415)

Presented are suggestions for better means of providing compensation to victims of crimes and for compelling the criminal to assume responsibility for the commission of his crime. A Canadian legal scholar recommends that a better system of victim restitution could aid in the dual purpose of criminal law deterrence and rehabilitation. The author suggests that if criminals were forced to repay victims, crime would be less profitable and would therefore be deterred. In addition, compensating victims could have a rehabilitative effect on the criminal.

39. GLATFELTER, R. For the Victims of Crime--A New Approach. In Drapkin, I., and E. Viano, Eds. (NCJ 15541), Victimology--A New Focus, Vol. 2--Society's Reaction to Victimization. Lexington, Massachusetts, D. C. Heath and Company, 1974. 7 p.

MICROFICHE (NCJ 30590)

After reviewing the problems associated with the existing forms of victim compensation--private insurance, civil action, and restitution--a proposal is made to institute a program of state-victim compensation. The author contends that under the existing offender-oriented criminal justice system, offenders are treated with more care than victims. He believes that if society accepts the blame for producing the criminal, then it must accept its responsibility to the victim and pay for the damages society's failure has wrought. It is noted that victims of crime are most often the poor, the elderly, minority group members, or the young. These people are least able to afford the traditional compensation measures of crime insurance and civil court actions. It is argued that a state compensation scheme would be the most just and efficient, since it would insure that the victim will receive the same consideration given to the criminal, would encourage people to report a greater percentage of crimes, and would encourage citizen participation with law enforcement.

40. HASSON, V., and L. SEBRA. Compensation to Victims of Crime--A Comparative Survey. In Drapkin, I., and E. Viano, Eds. (NCJ 15541), Victimology --A New Focus, Vol. 2--Society's Reaction to Victimization. Lexington, Massachusetts, D. C. Heath and Company, 1974. 18 p.

(NCJ 30588)

Presented is a review of existing court-compensated and state-compensation systems for crime victims in Great Britain, the United States, Europe, and Israel. The author notes that traditional court-compensation systems exist in England and the United States. This system poses several serious disadvantages for the crime victim. State compensation schemes in New Zealand, Australia, Northern Ireland, England, Israel, and the States of California and New York are described. The author contends that although compensation by the state represents a great advance in the position of the victim, several failings of this system are apparent. Among these failings are that most state victim compensation plans provide for compensation only for crimes of violence; that minimum and maximum limits on compensation may be unjust to some victims; and that compensation for injuries caused by offenses within the family is often excluded. Some alternative proposals for victim compensation are reviewed, including reparation by the offender and court actions against the state to receive compensation. A study of compensation awards by the Jerusalem District Court is appended.

41. HUDSON, J., and B. GALAWAY. Considering the Victim--Readings in Restitution and Victims Compensation. Springfield, Illinois, Charles C. Thomas, 1975. 490 p. (NCJ 27690)

This textbook presents 28 articles dealing with the historical development and current status of victim compensation and restitution, and the major issues in crime victimology. This volume is intended for use in law schools, departments of sociology, and criminal justice education. The text is divided into six topical sections dealing with the historical background of restitution and victim compensation, philosophical foundations for the programs, legal perspectives on the victim, psychological and sociological perspectives, and practical applications of restitution and victim compensation programs. Each section is prefaced by a brief introduction. These articles examine, among other things, whether the crime victim is ignored in the administration of criminal justice, whether the law gives due recognition to the crime victim, and whether the State is responsible for damages sustained in criminal victimization.

42. LAW REFORM COMMISSION OF CANADA. Restitution and Compensation. In Community Participation in Sentencing, 1976. (NCJ 42268). Ottawa, Canada, Printing and Publishing Supply and Services Canada, 1976. 24 p. (NCJ 42271)

Proposals for the increased use of restitution and victim compensation are presented in this working paper by the Law Reform Commission of Canada. Only during the last decade have compensation schemes been developed for a small number of offenses. Restitution has also been available only to a limited extent, whether through the criminal process or civil action. This working paper has as its primary aim to make restitution--the responsibility of the offender to the victim to make good the harm done--a basic principle in criminal law, and to supplement it by a scheme for compensation--assistance by the State where the offender is not detected or where he is unable to assume responsibility for restitution. Furthermore, the commission proposes that the costs of compensation would be paid from fines or forfeitures imposed in the criminal courts. The proposed extent and limitations of both restitution and compensation are outlined in this paper.

43. LINDEN, A. M. Restitution, Compensation for Victims of Crime and Canadian Criminal Law. In Community Participation in Sentencing, 1976. (NCJ 42268). Ottawa, Canada, Printing and Publishing Supply and Services Canada, 1976. 45 p. (NCJ 42269)

This paper examines the available victim compensation schemes in Canada, relates them to the use of restitution by Canadian criminal courts, and proposes reforms to integrate these various measures. Among the remedies presently available to crime victims in Canada are civil actions in tort against criminals, restitution, social welfare programs, private insurance, and charity. The author notes that even with these available programs, if full compensation for victims of crime was desired, these programs are deficient. Reasons advanced in favor of State compensation schemes are reviewed, and existing Canadian compensation plans are examined. The author notes that these schemes are rather broad and frequently quite generous in their provisions. The author finds that the major shortcomings of existing Canadian plans are their insistence on viva voce hearings, their limitations on the ways in which damages are assessed, and the lack of publicity about these plans, resulting in underutilization of compensation by crime victims. Several issues involved in the use of compensation and restitution are discussed. The author concludes that the use of restitution should be expanded.

44. MacNAMARA, D. E., and J. J. SULLIVAN. Making the Crime Victim Whole—Composition, Restitution, Compensation. In Thornberry, Terrence P., and Edward Sagarin, Eds. (NCJ 15520), Images of Crime--Offenders and Victims. New York, Praeger Publishers, 1974. 12 p. (NCJ 30606)

Presented is a historical review of the three traditional means of victim compensation--composition, offender restitution, and State compensation--with a summary of victim compensation laws enacted in the several countries. The author notes several problems with offender restitution, including offender inability to pay, the low apprehension rate of offenders, the low prison earnings of offenders, and the high costs of administering such programs in comparison to the amount of income actually collected from offenders. The victim compensation laws of New Zealand, England, New York, California, Hawaii, Massachusetts, Maryland, Nevada, and New Jersey are studied. The similar provisions of these laws are listed, and the major problems encountered in the administration and implementation of victim compensation statutes are summarized. Several case histories illustrating the difficulties in administering victim-compensation legislation are provided.

45. McADAM, M. R. Emerging Issue--An Analysis of Victim Compensation in America. Urban Lawyer. 346-366. Spring 1976. (NCJ 40526)

This article presents a survey of the history of victim compensation, and provides an analysis of various States' victim-compensation legislation. The author, after an explanation, dismisses tort recovery, insurance, and restitution as viable forms of compensation. The theoretical justifications for the use of State funds for victim compensation are discussed, along with a comparison of the States (14) that have victim-compensation statutes. Issues considered include victim eligibility, types of injuries compensated, types of crimes compensated, fraud prevention, and payment amounts.

46. MINNESOTA DEPARTMENT OF CORRECTIONS. Victim's Perspective on American Criminal Justice. By J. A. Stookey. St. Paul, Minnesota, undated. 12 p. (NCJ 42504)

Arguing that the act of victimization will cause the victim to question the legitimacy of the criminal justice system, the author states that a victim-oriented criminal justice system is necessary for continued public support. In spite of recent concern for the rights of victims of criminal acts, the criminal justice system remains primarily oriented toward the offender. The author contends that this orientation may prove to be detrimental to the continuation of the criminal justice system, since the victim may view his or her victimization as a consequence of the system's failure to serve its

function of protection. To maintain the support of the victim population, it will be necessary to make the victim "whole" again through programs of victim restitution and compensation.

47. MUELLER, G. O., and H. H. COOPER. Society and the Victim--Alternative Responses. In Drapkin, I., and E. Viano, Eds. (NCJ 15541). Victimology--A New Focus, Vol. 2--Society's Reaction to Victimization. Lexington, Massachusetts, D. C. Heath and Company, 1974. 16 p. (NCJ 30587)

Presented are several possible systems of victim compensation, ranging from state-operated victim insurance to forms of civil action for compensation. The author first traces the historical rights of the victim from the earliest criminal proceedings, in which the victim exacted his own punishment, to the current criminal proceedings in which the state has assumed all redress and punishment of the offender. Several alternative forms of compensation are then reviewed. Among those mentioned are restitution by the defendant as a probation or parole condition; a general switch to a system of fines and a diversion of a proportion of these to compensate crime victims; correctional labor on a day-fine system, where the proceeds of the offender's labor pass to the victim; civil attachment of prison earnings; combining civil and criminal proceedings; and private or public victim insurance. The advantages and disadvantages of each of these systems are considered for the victim, the offender, the criminal justice system, and the public.

48. NEWTON, A. Aid to the Victim, Part 1--Compensation and Restitution. Crime and Delinquency Literature, v. 8, n. 3:368-390. September 1976. (NCJ 36591)

Presented is the first of a two-part series on victims and victim services. This article discusses the two major types of financial aid provided to innocent crime victims--compensation paid by the state, and restitution paid by the offender. A brief overview of compensation schemes in 11 American states, including highlights of the New York program, is followed by an examination of the elements of a model compensation program. A discussion of offender restitution in the United States focuses on the Minnesota Restitution Center, which uses restitution as a condition of probation; the Georgia Restitution Program, which functions as a diversionary alternative for probationers and parolees; and the Iowa Restitution in Probation Experiment, which utilizes restitution as a condition of probation or deferred sentences.

49. NEW YORK LEGISLATIVE COMMISSION ON EXPENDITURE REVIEW. New York--Financial Aid to Crime Victims. Albany, New York, 1975. 76 p. MICROFICHE (NCJ 39008)

Presented are results of an audit of the New York State Crime Victims Compensation Board (CVCB), which provides financial assistance for medical care, disability, or loss of earnings for eligible victims of violent crime. The audit was designed to analyze the workload and performance of the CVCB, estimate the percentage of eligible victims filing claims with CVCB, review program costs, and compare the New York program with those in other states. The audit showed that from 1971 through 1975, almost 9,000 claims were received by CVCB. Awards were made to 3,401 (38 percent) of the claimants. In this 4-year period the amount of time to process claims increased. The New York City claimant is responsible for obtaining and furnishing claims data, but CVCB, until October 1975, provided much more information-gathering assistance to upstate claimants. During 1974-75, 48 percent of the upstate and 36 percent of the New York City claimants received awards. The audit also showed that over 90 percent of all violent crime victims were not eligible for an award because they were either not attacked or did not require medical attention. Of an estimated 6,326 potentially eligible violent crime victims in New York City in 1973, only 1,289, or 20 percent, actually filed claims with CVCB. The auditors state that this relatively small number may be partially attributable to limited publicizing of the program. Program expenditures went from $1.5 million in 1971 to $3.9 million in 1975 when the average award payment was $2,054.

50. ONTARIO CRIMINAL INJURIES COMPENSATION BOARD. Administering the Compensation for Victims of Crime Act, 1971--Report, 8th, F.Y. April 1, 1976-March 31, 1977. Toronto, Ontario, Canada, 1977. 59 p. (NCJ 44144)

Presented is a report by the Ontario Criminal Injuries Compensation Board. This report includes a summary of application and disposition, a consolidated summary of awards, a summary of periodic awards, and a summary of board decisions.

51. REJDA, G. E., and E. M. MEURER. Analysis of State Crime Compensation Plans Journal of Risk and Insurance, v. 42, n. 4:599-614. December 1975. (NCJ 32394)

Due to the increase in violent crimes, 12 states have enacted legislation to compensate crime victims for loss of earnings and medical expenses. Crime compensation plans presently exist in New York, California, Hawaii, Massachusetts, Maryland, Nevada, New Jersey,

Rhode Island, Alaska, Florida, Illinois, and Washington. The purposes of this article are to analyze the basic characteristics of state crime compensation plans, to evaluate the effectiveness of present programs in reducing the economic insecurity from violent crimes, and to present recommendations for improving existing programs. Maximum benefits range from $5,000 to $45,000. Several states require the victim to demonstrate need, while other states pay benefits based on right. The experiences of administrators of two different programs--one that requires demonstration of financial need for payment (New York), and one that does not (Hawaii)--are examined. Claims payments are related to the states' population, crime rate, and claims filed. Reasons for denial are tabulated. These and other states' plans are evaluated against several socially desirable criteria.

52. SCHAFER, S. Compensation of Victims of Criminal Offenses. Criminal Law Bulletin, v. 10, n. 7:605-636. September 1974. (NCJ 16518)

This article presents a historically based assessment of the multifaceted roles of the state and the offender as they relate to victim compensation or restitution. The use of victim compensation, restitution, and composition is traced throughout history. Five different systems of restitution or compensation are identified and compared. State participation in victim restitution, as part of offender punishment, is also discussed in detail. Covered are the idea of civil versus criminal wrongs, and the trend toward emphasizing offender punishment over victim restitution. Some of the most widely employed arguments for State compensation of victims of crime are presented. The difference between victim compensation, a State responsibility, and victim restitution, a responsibility of the offender, are noted. The author maintains that the American trend is toward victim compensation considered in a civil proceeding. The idea of offender liability, in the form of correctional restitution, is also explored. Discussed is the idea of making restitution or compensation part of the offender's punishment and/or sentence. Such a system would both punish the offender and make provisions for compensating victims of crime for loss, personal injury, and any other disadvantage. The operation of a system in which the offender would have to make restitution through personal work after serving his punishment is also outlined.

53. SHASKOLSKY SHELEFF, L. Victim Compensation--Its History, Rationale, Implementation and Potentialities. Crime, Punishment and Correction. v. 5, n. 1:5-24. February 1976. (NCJ 20450)

The full potentialities of victim compensation can only be realized when victim compensation ceases to be a peripheral part of penal

law and again becomes a primary concern of the criminal process. After an analysis of the history of victim compensation, the author discusses a number of practical aspects of victim compensation. With respect to the circumstances that would justify compensation, he argues against limiting it to damage suffered from violent crime and proposes a scheme covering damage from all crimes. The author also deals with the responsibility of the criminal to compensate the victim and the possibility of other forms of compensation, types of claims and the manner of payment, the rights of bystanders, and compensation for those wrongfully the victims of the criminal process. References are included.

54. STARRS, J. E. Modest Proposal To Insure Justice for Crime Victims. In Reckless, Walter C., and Charles L. Newman, Eds., (NCJ 06247). Interdisciplinary Problems in Criminology--Papers of the American Society of Criminology, 1964. Columbus, Ohio State University, 1965. 9 p. (NCJ 30605)

A proposal calling for a system of private insurance to compensate crime victims is presented. The proposed system would broaden the payment structure and the insurable class of those who are crime victims by legislatively prohibiting the exclusion of crime victims from the benefits of existing coverages, except in certain limited circumstances; by issuing a "major occupational" policy to complement the basic accident policy or to substitute for it; and by drafting a pain and suffering rider to be attached to almost any existing policy, with adequate provisions to safeguard the insurance company from fraudulent claims of some policyholders who might treat this new approach as a windfall rather than as a method of alleviating their just losses.

55. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Legal Issues in Compensating Victims of Violent Crime. Raleigh, North Carolina, National Association of Attorneys General, 1976. 53 p. MICROFICHE (NCJ 35327)

This report reviews the basic concepts involved in victim compensation, the existing legislation and law on the matter, and the legal ramifications of victim-compensation programs. The legal issues considered are the definition of "victim", method of payment, time of filing claims, eligibility, victim participation in illegal activities, amount of compensation, appellate procedures, application procedures, and other sources of compensation. In addition, administrative and financial considerations involved in program implementation and operation, and the activities of attorneys general under existing legislation are discussed. Copies of the Uniform Crime

Victims Reparations Act and the Uniform Crime Victims Reparations Act Rules of Practice and Procedure are appended.

56. _____. Law Enforcement Assistance Administration. Victim Restitution--An Assessment of the Restitution in Probation Experiment Operated by the Fifth Judicial District Department of Court Services, Polk County, Iowa. By R. O. Steggerda, and S. P. Dolphin. Des Moines, Iowa, Polk County Department of Program Evaluation, 1975. 73 p. MICROFICHE (NCJ 37008)

Presented is the final evaluation of a project designed to facilitate application of a law setting up restitution as a probation condition and to test the effects of face-to-face meetings of victims and offenders in administering restitution plans. Due to the late project implementation and the short term nature of the evaluation, valid measures of major effects, such as reduction of recidivism or rehabilitation of clients, were not possible. Immediate project effects relating to such criteria as client cooperation, victim cooperation, and client payment regularity were measured. It was found that complete on-time payments were made 77.5 percent of the time by clients who met with the victims of their offenses, compared with 62.2 percent for those with no victim involvement, 55.1 percent of those who met with representatives of the victims, and 45.1 percent of the time by those whose cases involved only counselor-victim contacts. It was concluded that victim and offender face-to-face involvement in the restitution plan was the most effective approach. Code sheets used to collect data are appended.

57. VAN RENSSELAER, S. L. Compensation for Victims of Crime--The New York Experience. State Government, v. 47, n. 1:12-16. Winter 1974. (NCJ 15479)

A general discussion of the rationale for victim compensation is presented, followed by an outline of the conditions which must be met before an award can be made to an eligible claimant under the New York statute. The New York State program reimburses innocent victims of crime for their medical expenses and loss of earnings. The investigation process and the financial impact of this program are also briefly considered.

58. WILLIAMS, V. Proposed Model for Individualized Offender Restitution Through State Victim Compensation. In Drapkin, I., and E. Viano, Eds. (NCJ 15541), Victimology--A New Focus, Vol. 2--Society's Reaction to Victimization. Lexington, Massachusetts, D. C. Heath and Company, 1974. 11 p. (NCJ 30592)

This document presents a proposal to implement a restitution scheme within a correctional token-economy system by requiring inmates to pay a portion of their points earned to the State to repay the State for its victim compensation. Under this system, the State would act as an intermediary between the victim and the offender. The State would pay victim compensation according to its present or proposed plan. In the State's transactions with the victim, the State would emhasize that it was acting as an intermediary and that the offender would be required to pay the State the equivalent of the amount being advanced to the victim. In this way the victim would receive his restitution in a timely manner and in a useful pecuniary form. He would also receive "satisfaction" in knowing that the State would extract restitution from the offender. On the offender's end of the transaction, he would have the opportunity to earn "points" for participation in a rehabilitation program. He might be required to pay a portion of all points earned to the State with the understanding that he is indirectly making restitution to his victim. This would not be so burdensome to the inmate that it would kill his incentive to earn points in the program. The author states that the primary advantage of this method is that it would restore the direct relationship between the victim and the offender by impressing on both parties the personal element of restitution.

APPENDIX A—LIST OF SOURCES

All references are to bibliography entry numbers, not pages.

1. American Bar Association
   1155 East 60th Street
   Chicago, IL 60637

2. Notre Dame Lawyer
   University of Notre Dame
   Law School
   Notre Dame, IN 46556

3. Boston Mayor's Safe Streets Act
   Advisory Committee
   80 Boylston Street
   Boston, MA 02116

4. Arthur D. Little, Inc.
   1735 Eye Street, NW.
   Washington, DC 20006

5. D. C. Heath and Company
   125 Spring Street
   Lexington, MA 02173

6. Available only through NCJRS
   Microfiche Program and NCJRS
   Document Loan Program.

7. Florida Governor's Council
   on Criminal Justice
   307 East Seventh Avenue
   P.O. Drawer 3786
   Tallahassee, FL 32303

8. Same as No. 5.

9. American Psychiatric Association
   1700 18th Street, NW.
   Washington, DC 20009

10. Same as Entry No. 6.

11. Stanford Research Institute
    333 Ravenswood Avenue
    Menlo Park, CA 94025

12. Pierce County Law and Justice
    Planning Office
    2401 South 35th Street
    Tacoma, WA 98409

13. National Council on Crime
    and Delinquency
    615 East 14th Street
    Des Moines, IA 50316

14. New York City Mayor's Criminal
    Justice Coordinating Council
    51 Chambers Street
    New York, NY 10007

15. Westinghouse Justice Institute
    1911 Jefferson Davis Highway
    Arlington, VA 22202

16. National Association of Counties
    Research Foundation
    1735 New York Avenue, NW.
    Washington, DC 20006

17. Evaluation/Policy Research
    Associates, Ltd.
    Suite 1010, Continental Bank Building
    7 Continental Plaza
    Milwaukee, WI 53233

18. Multnomah County District
    Attorney's Office
    600 County Courthouse
    Portland, OR 97204

19. National District Attorney's
    Association
    211 East Chicago
    Chicago, IL 60611

20. Same as Entry No. 19.

21. National District Attorney's Association
1900 L Street, NW.
Washington, DC 20036

22. Witness Project
210 West Temple Street
Suite 5-502
Los Angeles, CA 90012

23. Abt Associates, Inc.
55 Wheeler Street
Cambridge, MA 02138

24. University of Rochester
Rochester, NY 14627

25. Victimology
Visage Press, Inc.
3409 Wisconsin Avenue, NW.
Washington, DC 20016

26. Virginia Division of Justice and Crime Prevention
Parham Park
8501 Mayland Drive
Richmond, VA 23229

27. National Council on Crime and Delinquency
Continental Plaza
411 Hackensack Avenue
Hackensack, NJ 07601

28. California Attorney General's Building Security Commission
Wells Fargo Bank Building
Sacramento, CA 95814

29. Same as Entry No. 5.

30. State Government
Council of State Governments
P.O. Box 11910
Lexington, KY 40511

31. Same as Entry No. 25.

32. Same as Entry No. 25.

33. Same as Entry No. 5.

34. Vitgererij Bosch En Keuning Nv
Baarn, Netherlands 751205

35. Loyola University of Chicago Law Journal
Loyola University of Chicago Law School
41 East Pearson Street
Chicago, IL 60611

36. Same as Entry No. 5.

37. Practicing Law Institute
1133 Avenue of the Americas
New York, NY 10036

38. Canadian Society of Forensic Science
63 Kilbarry Crescent
Ottawa, Ontario
Canada K1K OH2

39. Same as Entry No. 5.

40. Hebrew University
Jerusalem, Israel 751118

41. Charles C. Thomas
301-327 East Lawrence Avenue
Springfield, IL 62717

42. Printing and Publishing Supply and Services Canada
Ottawa, Canada K1A OS9

43. Same as Entry No. 42.

44. Praeger Publishers
111 Fourth Avenue
New York, NY 10003

45. Urban Lawyer
American Bar Association
1155 East 60th Street
Chicago, IL 60637

46. Minnesota Department of Corrections
430 Metro Square Building
Seventh & Roberts Streets
St. Paul, MN 55101

47. Same as Entry No. 5.

48. Same as Entry No. 27.

49. New York Legislative Commission on Expenditure Review
111 Washington Avenue
Albany, NY 12210

50. Ontario Criminal Injuries Compensation Board
481 University Avenue
Toronto, Ontario
Canada 750915

51. Journal of Risk and Insurance
Portland/Multnomah County Police Consolidation Project
202 Chamber of Commerce Building
Portland, OR 97204

52. Criminal Law Bulletin
Warren, Gorham and Lamont, Inc.
210 South Street
Boston, MA 02111

53. Crime, Punishment and Correction
National Institute for Crime Prevention and Rehabilitation of Offenders
P.O. Box 10005, Caledon Square
Cape Town, South Africa

54. Ohio State University
Columbus, OH 43210

55. National Association of Attorneys General
3901 Barrett Drive
Raleigh, NC 27609

56. Polk County Department of Program Evaluation
Des Moines, IA 50309

57. Same as Entry No. 30.

58. Same as Entry No. 5.

APPENDIX B

STATE VICTIM COMPENSATION STATUTES
A MULTI-STATE DESCRIPTION AND SUMMARY*

DATE: The Statutes date from the mid-sixties.
Most were passed within the last few years.

ELIGIBILITY

Most of the 22 statutes compensate both victims of violent crimes and good Samaritans. It is assumed that dependents are eligible for compensation.

Residency is not necessarily a requirement.

The list of compensable crimes usually includes sex offenses, kidnaping, and offenses involving the use of explosives, arson, etc.

In a few states good Samaritans are compensated for property damage, an unusual feature for state victim compensation statutes.

The victim (by illegal or other causes) must not have contributed to the situation which produced his injury. The total innocence of victims is required. Most states reduce awards commensurate with the degree of the victims' questionable conduct and complicity.

Generally the victim must not have been living with, closely related to, or maintaining a sexual relationship with the offender. This provision extends to the third degree of consanguinity in most cases. However, some statutes provide that the interests of justice may annul these eligibility requirements.

Some of the statutes require that the victim suffer undue financial hardship. Because all statutes require that monies from collateral and other sources be deducted from awards, this provision is not really as important as it seems. It ensures that the well-off will not receive unnecessary payments but such persons are usually compensated by collateral and other sources anyway.

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* Courtesy of the National District Attorneys Association. For description and analysis of each state's statutes, write to National District Attorneys Association, Commission on Victim/Witness Assistance, 211 East Chicago Avenue, Chicago, Illinois 60611.

A few statutes preclude those crimes committed in state prisons and other institutions.

Injury involving the use of a motor vehicle, ship, airplane, etc., is precluded except when the vehicles are used as weapons.

It is not necessary that the offender be convicted, nor is it necessary that he be capable of forming any criminal intent.

REQUIREMENTS

About half of the states specifically require that the victim offer his or her full cooperation to the law enforcement authorities in the apprehension and conviction of the suspect.

Deadlines for claims filed usually are 180 days, 1 year, or 2 years. In the case of death, the filing deadline may be set from the time of death. A victim or his dependents usually has the opportunity to show good cause why the deadline was not met.

Generally the crime must have been reported to the police within 48 or 72 hours. New Jersey required a crime report within 3 months. Again, the victim may show good cause why he could not have earlier reported the crime.

A victim must be forthcoming with all records and may have to submit to a medical examination. At least one statute specifically states that a victim who refuses to submit to one of these exams does not sacrifice his rights to compensation.

The few programs relying on the courts usually require a small application fee to be paid to the clerk.

ADMINISTRATIVE STRUCTURE

Administrative structure varies from state-to-state, and remains one of the important victim compensation issues. Most states have established victim compensation boards which, for all practical purposes, are autonomous. Members are appointed by the Governor to rather long terms. These boards usually operate as other departmental boards with the concommitant rules of evidence, appeal, and procedure.

The attorney general or the district attorney may be charged with the investigation of the claim.

Some states have incorporated victim compensation programs into workman's compensation programs; claims are actually filed with the workman's compensation board. Nevertheless, the statutes seem to cover victim compensation needs.

A few states rely on the district courts. Applications are filed with the clerk. The same judge may not hear a related criminal and victim compensation case.

There is a striking contrast between the salaries, job requirements, and responsibilities of the various victim compensation board members.

Although it is not necessary that an offender be convicted to award a claim, such a disposition is usually considered to justify the award. Compensation hearings are usually delayed pending the outcome of court cases.

NATURE OF COMPENSATION

Awards may be made to victims, good Samaritans, and their dependents or those taking the financial responsibility for funeral and burial expenses and medical costs.

Compensation is generally awarded for support, loss of earning power, medical expenses, and burial and funeral expenses. Occasionally, Christian Science healing, other religious healing, and nonmedical remedial treatment is compensable.

Only a few states compensate for mental or nervous shock and pregnancy. One state allows pain and suffering awards only in the case of rape victims.

Most statutes include a provision to compensate for other relevant pecuniary loss.

Property damage, is generally not compensable. Glasses, prosthetic devices, etc., may be specially defined as compensable.

Limitations are usually set on support awards which do not exceed $400.00 to $500.00 a month.

Awards may be apportioned periodically, especially in cases of protracted support. Such cases may be reviewed periodically.

Attorneys' fees are generally at the discretion of the administrative authority and are limited to 10, 15, or 20 percent. Some states require that in no case may the attorney receive more than the victim will ultimately receive. Attorneys fees may be paid out of or in addition to awards.

AWARD LIMITATIONS

When a minimum is set it is usually $100 or $200 or the equivalent of 2 weeks' income.

The maximum awards range from $5,000 to $50,000. Average $15,000.

FUNDING

Most statutes do not guarantee that there will be any money to award to victims. Only a few statutes mention any numbers or clearly define the source of award payments or administrative costs. It is true, however, that this information might be contained in budget or other provisions.

Most statutes establish victim indemnity funds. Often the statute calls for a new or additional fine to be assessed to offenders and deposited in the fund.

COMMENTS

A few states ensure that rape victims will not have to pay for emergency medical care, provided the exam involves the gathering of medical evidence.

One state, Nevada, outlines extensive services to rape victims and their spouses but leaves it to the counties to pass and fund the necessary ordinances.

It is notable that some statutes consider pregnancy a "compensable injury."

Once an award is paid, the state is generally subrogated to the claimant's actions against the offender.

Annual reports are generally required of each administrative authority and are probably a valuable source for investigating state compensation programs.

Awards are not subject to attachment, garnishment, etc.

Emergency awards are limited to $500 or $1,000. If the emergency award exceeds the final determination, the victim must return the difference. Only one state does not necessarily require the return of an overpaid difference.

At least one state specifically indicates that awards are not taxable.

Only a few statutes include the important provision that the law be publicized and that law enforcement authorities notify all victims of their rights to compensation. One statute requires that its key provisions be posted in hospital emergency rooms.

STATES WITH VICTIM COMPENSATION PROGRAMS

Alaska
California
Delaware
Florida
Georgia
Hawaii
Illinois
Kentucky
Louisiana
Maryland
Massachusetts
Michigan
Minnesota
Nevada
New Jersey
New York
North Dakota
Ohio
Pennsylvania
Rhode Island
Tennessee
Virginia
Washington
Wisconsin

* U. S. GOVERNMENT PRINTING OFFICE : 1978 260-992/4506